

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

UNITED STATES OF AMERICA	§	
	§	
v.	§	CRIMINAL NO. 4:04cr116
	§	
EARLON LAKE BROWN (14)	§	

**REPORT AND RECOMMENDATION  
OF UNITED STATES MAGISTRATE JUDGE**

Pending before the Court is the request for revocation of Defendant's supervised release. After the District Court referred the matter to this Court for a report and recommendation, the Court conducted a hearing on February 18, 2015 to determine whether Defendant violated his supervised release. Defendant was represented by Frank Henderson. The Government was represented by Heather Rattan.

On May 19, 2005, Defendant was sentenced by the Honorable Richard A. Schell, United States District Judge, to a sentence of 110 months imprisonment followed by a 60-month term of supervised release, for the offense of Conspiracy to Manufacture, Distribute or Possess with Intent to Manufacture, Distribute or Dispense Cocaine Base (Crack). Defendant began his term of supervision on November 10, 2009.

On January 30, 2015, the U.S. Probation Officer filed a Petition for Offender Under Supervision (the "Petition") (Dkt. 717). The Petition asserts that Defendant violated the following conditions of supervision: (1) Defendant shall not commit another federal, state, or local crime; (2)

Defendant shall not leave the judicial district without the permission of the Court or probation officer; (3) Defendant shall notify the probation officer within 72 hours of being arrested or questioned by a law enforcement officer; (4) Defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month; and (5) Defendant shall notify the probation officer at least ten days prior to any change in residence or employment.

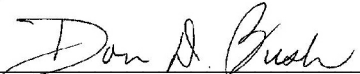
The Petition alleges that Defendant committed the following violations: (1) On April 15, 2014, Defendant drove with a suspended driver's license in Miller County, Arkansas, as evidenced by the citation he received from the Arkansas State Police. Defendant was in Arkansas without permission of the probation officer, and Defendant did not notify the probation officer of his contact with the Arkansas State Police. Furthermore, on June 18, 2014, a Failure to Appear warrant was issued by the Miller County District Court, in Texarkana, Arkansas, for Defendant's failure to appear in court on the charge, Driving While Driver's License Suspended, Case No. 500249593; and (2) Defendant failed to submit a written report to the U.S. Probation Office for the month of July 2014 by the fifth of August 2014. Furthermore, Defendant submitted falsified written reports each month since December 2011 in that he reported his address as 14100 Montfort Drive, Apt. 2122, Dallas, Texas 75254, when in fact Defendant moved from that address in October 2011.

At the hearing, Defendant entered a plea of true to the alleged violations. Defendant waived his right to allocute before the district judge and his right to object to the report and recommendation of this Court. The Court finds that Defendant has violated the terms of his supervised release.

### **RECOMMENDATION**

Pursuant to the Sentencing Reform Act of 1984 and having considered the arguments presented at the February 18, 2015 hearing, the Court recommends that Defendant be committed to the custody of the Bureau of Prisons to be imprisoned for a term of ten (10) months, with no supervised release to follow. The Court further recommends the Bureau of Prisons facility located in Seagoville, Texas, if appropriate.

**SIGNED this 9th day of March, 2015.**

  
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DON D. BUSH  
UNITED STATES MAGISTRATE JUDGE